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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 FREDERICK H. SHULL, JR.,

8 Plaintiff,

9 v.

10 ROSEMAN UNIVERSITY, *et al.*,

11 Defendants.

Case No. 2:18-cv-01690-RFB-NJK

ORDER

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13 Several motions filed by Plaintiff Frederick H. Shull, Jr. (“Plaintiff”) are pending before  
14 the Court. *See* ECF Nos. 7–10, 14–16, 19. The Court, however, will not consider the motions  
15 based on its lack of subject matter jurisdiction.

16 The Court has a *sua sponte* obligation to ensure that it has subject matter jurisdiction. Kwai  
17 Fun Wong v. Beebe, 732 F.3d 1030, 1036 (9th Cir. 2013) (citations omitted); see also Gonzalez v.  
18 Thaler, 565 U.S. 134, 141 (2012) (“When a requirement goes to subject-matter jurisdiction, courts  
19 are obligated to consider *sua sponte* issues that the parties have disclaimed or have not  
20 presented.”).

21 Plaintiff asserts subject matter jurisdiction exists under Nevada Revised Statute (“NRS”)  
22 § 239.011 and 28 U.S.C. § 1367. However, before the Court can exercise supplemental  
23 jurisdiction under 28 U.S.C. § 1367 in regard to state law claims, the Court must first have original  
24 subject matter jurisdiction over the matter. 28 U.S.C. § 1367(a). Here, Plaintiff’s claim is based  
25 only on a state law: NRS § 239.010. See ECF No. 12. Because Plaintiff’s claims do not establish  
26 original subject matter jurisdiction by raising a federal question, see 28 U.S.C. § 1331, or by raising  
27 diversity jurisdiction, see 28 U.S.C. § 1332, the Court dismisses this action without prejudice for  
28 lack of subject matter jurisdiction.

1           **IT IS ORDERED** that this matter is **DISMISSED** without prejudice for a lack of subject  
2 matter jurisdiction. The Clerk of the Court is instructed to close the matter accordingly.

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4           DATED: October 16, 2018.



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6           **RICHARD F. BOULWARE, II**  
7           **UNITED STATES DISTRICT JUDGE**